

# DECLARATION AND POWER OF ATTORNEY

Atty.Ref. No.: 2664H-000019 /US  
Client Ref. No.: IR 7456

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe that I am the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### COMPOSITION AND METHOD FOR USE IN CARTILAGE AFFECTING CONDITIONS

the specification of which (check one)

- ☐ is attached hereto.  
or  
☒ was filed on February 9, 2004 as Application Serial No. 10/774,951.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

## DECLARATION AND POWER OF ATTORNEY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### POWER OF ATTORNEY

I hereby appoint Donald R. Holland, Reg. No. 35,197 and Saul L. Zackson, Reg. No. 52,391 of Harness, Dickey & Pierce, P.L.C. (Customer No. 28997), (7700 Bonhomme Avenue, Suite 400, St. Louis, Missouri 63105); and James C. Forbes, Reg. No. 39,457 of Harness, Dickey & Pierce, P.L.C. (1200 Shermer Road, Suite 350, Northbrook, Illinois 60062) and David L. Suter, Reg. No. 30,692 of Harness, Dickey & Pierce, P.L.C. (P.O. Box 828, Bloomfield Hills, Michigan 48303), as well as the attorneys and agents listed on the attached sheet, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 28997, Donald R. Holland, Harness, Dickey & Pierce, P.L.C., 7700 Bonhomme, Suite 400, St. Louis, Missouri (314) 726-7500.

#### Full name of first inventor:

Inventor's signature: \_\_\_\_\_

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Full name of second inventor:

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Philip W. Toll

Date: 6-28-04

Date of Birth: 5-11-61

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Attachment to Power of Attorney for Atty. Dkt. No. 2664H-000019/US (IR No. 7456)  
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